

Appl. No. : **10/698,980**
Filed : **October 31, 2003**

REMARKS

Figures 9 and 10 have been amended to include the legend “Prior Art” as requested by the Examiner. A “Replacement Sheet” for each sheet of drawings being amended can be found in the Appendix.

The M.P.E.P. expressly authorizes applicants to include an incorporation by reference of a foreign/non-English priority application in the text of the application. According to MPEP § 201.13(II)(G):

Applicant may incorporate by reference the foreign priority application by including a statement in the U.S. application-as-filed that such specifically enumerated foreign priority application is “hereby incorporated by reference.” The statement may appear in the transmittal letter. The inclusion of the incorporation by reference of the foreign priority application will permit an applicant to amend the U.S. application to include any subject in the foreign priority application without raising the issue of new matter. Thus the incorporation by reference statement can be relied upon to permit the entering of a portion of the foreign priority application into the U.S. application when a portion of the foreign priority application has been inadvertently omitted from the U.S. application, or to permit the correction of translation error in the U.S. application where the foreign priority application is in a non-English language.

At this time, the Applicants are not aware of a need to rely on material from the foreign application, however, by maintaining the incorporation by reference statement in the application, the Applicants are merely reserving the right to update the application based on the foreign application should reliance become necessary.

Claims 1-39 were pending in the application. New Claim 40 has been added. Claims 1-8, 17-24 and 28-39 were allowed. The Applicants wish to thank the Examiner for the indication of allowability of the above referenced claims.

Claims 9, 14-16 and 25-27 were rejected. Claims 10-13 were objected to, but would be allowable if rewritten in independent form including all of the limitations of the rejected base claim and any intervening claims.

Claims 9, 14, 15, and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by Mallette (CA 2,298,749). Amended Claim 9 states “the coupling locations being configured such that the rear member coupling location is located forward of a plane passing through the one or more rear frame coupling locations and the rear rail coupling location.” Mallette fails to meet

Appl. No. : 10/698,980
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AMENDMENTS TO THE DRAWINGS

Please amend Figures 9 and 10 as indicated in the replacement sheets submitted herewith.

Appl. No. : **10/698,980**
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at least this limitation of the claim. Accordingly, Claim 9 is allowable over the cited art. Claims 14, 15, and 16 depend from Claim 9 and are therefore allowable for the same reasons.

Claims 10, 12 and 13 have been rewritten in independent form including all of the limitations of the rejected base claim and any intervening claims and are therefore in condition for allowance. Claim 11 is dependent upon amended Claim 10 and is therefore in condition for allowance.

Claims 25-27 were rejected under 35 U.S.C. 102(b) as being anticipated by Boiven '264. Claims 25 and 26 were rejected under 35 U.S.C. 102(b) as being anticipated by Mallette '692. Claim 25 has been amended to clarify that the snowmobile comprises means for coupling together the vehicle body frame, the front torque arm, the rear torque arm, and the extendable member such that the vehicle body frame, the front torque arm, the rear torque arm, and the extendable member define a four-node quadrilateral linkage system. The references cited by the examiner fail to meet at least this limitation of the claim. Accordingly, Claim 25 is allowable over the cited art. Claims 26 and 27 depend from Claim 25 and are therefore allowable for the same reasons.

New Claim 40 has been added and is patentable over the art of record. For example, the vehicle body frame, the front torque arm, the rear torque arm, and the extendable member define a four-node linkage that provides for the vertical distance between the vehicle body frame and the at least one slide rail to vary, such that the vertical distance can continue to vary even when the extendable member is in the fully extended configuration or in the fully contracted configuration.

Applicants have placed the application in condition for allowance of all of the pending claims. Accordingly, the Examiner is respectfully requested to withdraw all the outstanding rejections and objections.

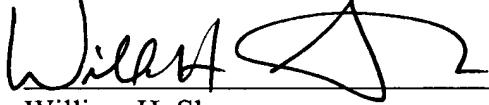
Appl. No. : 10/698,980
Filed : October 31, 2003

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Dec. 22, 2004

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Appl. No. : **10/698,980**
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APPENDIX

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